

### **REMARKS/ARGUMENTS**

Claims 1 - 8 remain in the application, independent Claim 1 having been amended, and are presented for reexamination.

In the outstanding Office Action, the Examiner objected to the Drawings; objected to the Specification; objected to Claim 1 as being unclear; rejected all of the claims as being based on a non-enabling specification; rejected dependent claims 3 and 7 as being directed to non-statutory subject matter; rejected Claims 1, 2, 4 and 5 as being anticipated by the Billet et al. US Patent Publication No. 2003/0036890 (the "Billet reference"); and rejected all of the claims as being obvious over the combination of the Billet reference in combination with the Bowman-Amuah US Patent Publication No. 2002/0133328 (the "Bowman-Amuah reference"). No claim stands allowed or allowable.

### **I. OBJECTION TO THE DRAWINGS**

#### **A. FIG. 2.**

In the Office Action, the Examiner objected to FIG. 2 as not being labeled consistently with its description in the Specification. Although the Examiner required corrected drawing sheets, this objection has been obviated by amending paragraph 18 so that the specification has been made consistent with the drawings. Specifically, the specification has been amended such that the terms "Item ID" and "Location ID" have been correlated to the drawing by stating, for example, that "...the Location ID (which is identified in the table as only the word "DATE"), ..."

Accordingly, it is submitted that the objection to FIG. 2 as not being consistent with the description in the specification has been obviated by amending the specification.

The Examiner also objected to FIG. 2 because the Examiner stated that:

The specification does not indicate how the Date and the Value column information were generated.

This comment is traversed because it is submitted that the specification does indeed specify how these entries are obtained. It is submitted that it is clear from paragraph 18 of the specification that these two items, the Date and the Value represent the number of sales of a specified item (which is only item 1 in the exemplary table of FIG. 2) at a specified location on a specified date.

B. FIG. 5.

In the Office Action, the Examiner objected to FIG. 5 because the description of the figure is not complete. With respect, it appears that this is an objection to the specification. However, it is submitted that the specification does explain the table of FIG. 5. In paragraph 21 the table of FIG. 5 is described as a conventional "task traverse table similar to a conventional node traverse table..." with the addition of the last column, labeled "TASK." Since the specification is drawn to those skilled in the art, it is submitted that the meaning and use of the various columns are conventional and are known by those skilled in the art.

## **II. OBJECTION TO THE SPECIFICATION**

The Examiner objected to the specification as being replete with terms that are not clear, concise and exact, and that it should be carefully revised. The Examiner is thanked for her pointing out some of the deficiencies in the specification. The specification has been carefully reviewed and has been corrected by this Amendment. It is submitted that the specification now complies with Section 112, first paragraph.

It is noted that several of the paragraphs of the specification have been expanded to more clearly specify the present invention and the description of the figures. It is submitted that no new matter has been added. All of the added description is supported by the original specification and drawings.

## **III. OBJECTION TO CLAIM 1**

In the Office Action, the Examiner stated that Claim 1, subparagraph "c" was not clear. Accordingly, Claim 1 has been amended to clarify this subparagraph. The Examiner is thanked for pointing out this ambiguity of Claim 1. It is submitted that the scope of Claim 1 has not been narrowed or diminished by this amendment and that no new matter has been added. Claim 1 was amended solely to address this objection, and was not changed because of the art rejections or the insufficient disclosure rejections.

#### **IV. REJECTION OF ALL CLAIMS UNDER §112, FIRST PARAGRAPH AS BEING BASED ON A NONENABLING SPECIFICATION**

The Examiner rejected all claims as being based on a nonenabling specification for the specific reasons cited in the Office Action for each claim. With respect, it is submitted that because a specification is directed to one of ordinary skill in the art, such a person would understand how to make and use the invention. Each of the reasons will be addressed below. However, it is believed that a description of the present invention would be helpful at this point.

The present invention as originally and presently claimed is really directed to the allocation of available computer equipment. The present invention is not directed to a method of demand forecasting, but rather is directed to the assignment of available computer resources to the calculation of conventional demand forecasting in that area of forecast applications that can be defined as being able to be represented by a "demand forecast tree." See present specification at paragraph 2.

As explained in the present specification, for example in paragraph 8, the present invention is based on a realization that a conventional demand forecast tree that has a top, central top level node (00) and a number of branches can be broken down into a plurality of individual trees where a given tree is represented by a branch. The present invention then determines what the computer availability (i.e. the number of servers that are available) and divides up the computing of the conventional demand forecasting among the available number of servers. See paragraph 22 for a specific example. In the case where there are 5 branches, as depicted in FIG.

1, but only 3 available servers, the present invention equalizes (in one specific embodiment) the calculating task by allocating an equal number of bottom nodes to each server. See the allocation depicted in FIG. 6 where there are four bottom nodes assigned to each of two of the three servers and the remainder of three bottom nodes are assigned to the third server.

A. Claim 1.

In the Office Action, the Examiner stated that the specification failed to teach one how to make a time series of observations. This rejection is respectfully traversed because the present invention is not a method of demand forecasting. Rather, the present invention is directed to a method of allocating the number of available computers to do the conventional calculations involved in demand forecasting. See, for example, paragraphs 2 and 19 of the present specification. The time series of observations are those that would be conventional to make by anyone skilled in the art of demand forecasting. Therefore, because this is not part of the present invention and is conventional and known, it need not be described in the present specification.

B. Claims 2 and 6.

In the Office Action, the Examiner stated that the specification failed to teach one how to allocate the branches into tasks. This rejection is respectfully traversed because the present specification does indeed give at least three examples of how to allocate the available number of servers to do the calculations. See paragraph 22 of the present specification. Simply stated, the

computer manager 8 assigns the available computer resources based on the number of bottom level nodes in a conventional forecast tree.

C. Claim3.

In the Office Action, the Examiner stated that the specification failed to teach one how to determine how to calculate the final result. This rejection is respectfully traversed. Claim 3 provides an equation to determine the number of tasks. This is done according to the claim by multiplying the number of available computer servers by a user entered value. This value is determined as described in the specification at paragraph 9 as "the computing demands of different tasks of a demand forecast application are preferably equalized as much as possible to facilitate minimizing its run time." Thus the value determined by the user is mandated by the desire to equalize as nearly as possible the time that the conventional calculations would take. And that of course depends upon the number of bottom level nodes and the number of computer servers. See also paragraph 22.

D. Claims 4 and 8.

In the Office Action, the Examiner stated that the specification failed to teach one how the number of bottom level nodes of the branches are calculated. This rejection is respectfully traversed because the present invention is not a method of demand forecasting. Rather, the present invention is directed to a method of allocating the number of available computers to do

the conventional calculations involved in demand forecasting. The number of bottom nodes are determined by the particular configuration of the conventional forecast tree. One skilled in the art of demand forecasting would know how to set up such a tree. The present invention is directed not to that aspect, but rather to allocating the number of bottom nodes in a branch to a particular server.

#### E. Claim 5

In the Office Action, the Examiner stated that the specification failed to teach one how the forecast engine is used simultaneously. This rejection is respectfully traversed because the present invention is not a method of demand forecasting. Rather, the present invention is directed to a method of allocating the number of available computers to do the conventional calculations involved in demand forecasting. See the arguments above with respect to Claim 3, paragraph IV. C. of this response hereinabove.

### **V. REJECTION OF CLAIMS 3 and 7 UNDER §101**

In the Office Action, the Examiner stated that Claims 3 and 7 were not directed to statutory subject matter because they do not produce concrete and tangible result. With respect, these claims do produce a concrete useful and tangible result. They are directed to the specific method of allocating the computer power in the number of available servers. See the arguments above with respect to the §112 rejections.

Furthermore, the claimed result is reproducible. See subparagraph IV A and C of this Response.

Accordingly, with the explanation above of the present invention, it is submitted that the present claims 3 and 7 are directed to statutory subject matter.

## **VI. REJECTION OF THE CLAIMS UNDER THE PRIOR ART**

In paragraphs 6 and 7 of the Office Action, the Examiner rejected all of the claims in view of the Billet and the Bowman-Amuah references. With respect, it is submitted that neither of these references are apposite and the rejections are respectfully traversed. Both reference relate to a particular method of calculating demand forecasting. Neither reference discloses the allocation of computer servers to do simultaneous calculations of allocated branches of a forecast tree, as claimed in the claims of the present application..

Accordingly, it is submitted that nothing further need be said about either of these references.

## **VII. CONCLUSION**

For the foregoing reasons, all of the objections and rejections of the present application have been either obviated or traversed. Accordingly it is submitted that the present application is in condition for allowance, and such action is respectfully requested.

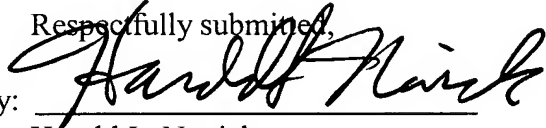


Appln. No. 10/058,830  
Amdt. Dtd. July 17, 2006  
Reply to O.A. of Jan. 17, 2006

Attorney Docket No. 82369

If an Extension of Time under 37 CFR § 1.136 is required and has not been separately requested herein, please consider this Transmittal Letter as including a request for such Extension of Time and as a further authorization to charge any fee for such Extension of Time, as may be required by 37 CFR § 1.17, to Deposit Account No. 14-0112.

Please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,  
  
By: Harold L. Novick  
Harold L. Novick  
Registration No. 26,011  
Customer No. 20529

Date: July 17, 2006  
NATH & ASSOCIATES, PLLC  
112 South West Street  
Alexandria, VA 22314  
(703) 548-6284  
(703) 683-8396